

**MINUTES  
of the  
FOURTH MEETING  
of the  
INDIAN AFFAIRS COMMITTEE**

**September 8-10, 2008  
Shiprock Chapter, New Mexico  
Upper Fruitland Chapter, New Mexico  
Nageezi Chapter, New Mexico**

The fourth meeting of the Indian Affairs Committee for the 2008 interim was called to order by Senator John Pinto, co-chair, at 10:30 a.m. in the chapter house of the Shiprock Chapter of the Navajo Nation.

**Present**

Rep. James Roger Madalena, Co-Chair  
Sen. John Pinto, Co-Chair  
Sen. Rod Adair (9/8)  
Rep. Ray Begaye (9/8, 9/9)  
Sen. Dianna J. Duran  
Sen. Lynda M. Lovejoy (9/10)  
Rep. Patricia A. Lundstrom (9/8, 9/9)  
Rep. John Pena (9/9)  
Sen. Lidio G. Rainaldi  
Sen. Nancy Rodriguez

**Absent**

Rep. Justine Fox-Young  
Sen. John C. Ryan  
Rep. Gloria C. Vaughn  
Rep. W. C. "Dub" Williams

**Advisory Members**

Rep. Ernest H. Chavez  
Rep. Ben Lujan (9/8)  
Sen. Richard C. Martinez  
Rep. Debbie A. Rodella (9/8, 9/9)  
Rep. Nick L. Salazar

Sen. Joseph J. Carraro  
Sen. Timothy Z. Jennings  
Sen. William E. Sharer  
Sen. David Ulibarri

(Attendance dates are noted for those members not present for the entire meeting.)

**Staff**

Chase Van Gorder  
Damian Lara  
Mark Harben

**Guests**

The guest list is in the meeting file.

## **Handouts**

Copies of all handouts and written testimony are in the meeting file.

## **Monday, September 8 — Shiprock Chapter, Navajo Nation**

### **Shiprock Chapter, Navajo Nation — Status Update**

Donald Benally, vice president of the Shiprock Chapter, welcomed the committee on behalf of the Shiprock Chapter. He thanked the committee members for all the work they have done for the chapter, but said that continued development of communication and cooperation is needed. Mr. Benally asked for support to get the Shiprock Pinnacle designated as a state park. Leonard Anthony, council delegate, expressed concern to the committee regarding funding from the state, the monitoring process and utilization of funds. He also stated that he worries about irrigation, the Headstart Program, education and infrastructure. Mr. Anthony said the chapter wants more funding, especially for its children and elders, and is dedicated to using the funds properly and on time. Peter Deswood joined the panel to provide a capital outlay update. He told the committee that a general manager for the Tribal Power Authority has been hired and is concentrating on finding and closing out projects related to electricity, water and sewer projects. Mr. Anthony discussed streetlight and electricity projects facing obstacles as a result of the sparse population density. Rebecca Martinez, capital outlay manager for the Indian Affairs Department (IAD), presented an update and status report on the IAD allocation of funds for the Shiprock Chapter. She commended the chapter for its hard and efficient work with the funds from the IAD. Wallace Charlie discussed some problems the new high school on the New Mexico/Arizona border in the Navajo Nation is experiencing. One of the most problematic issues, according to Mr. Charlie, is the bus lines. The Navajo Nation does not have enough heavy equipment to clear the roads and improve them, so the Navajo Nation would like assistance from some of the counties surrounding the territory, such as San Juan County. The concern arises from worries over the anti-donation clause. Mr. Charlie asked what can be done to alleviate this problem.

Upon a motion by Speaker Lujan, seconded by Representative Madalena, the committee voted without objection to write a letter to Secretary Rhonda Faught of the Department of Transportation, with copies to the governor and to the school adjoining school districts, to request that the secretary help with equipment going into the reservation.

### **Office of the Medical Examiner — Status Update**

Tim Stepetic, associate director for administrative services of the Office of the Medical Investigator (OMI), discussed proposed legislation by his office regarding new subpoena power, policies, procedures, powers and the name for the OMI. Mr. Stepetic highlighted continued deference and sensitivity to the cultural needs of family members and particularly to Native Americans in the legislation. Amy Wyman, supervisor of technical services for OMI, gave a presentation regarding the OMI's policy of cultural deference and procedures for dealing with the remains of Native Americans. At the conclusion of the presentation, the committee expressed the importance for the OMI to continue to defer to the cultural requisites of Native Americans whenever possible.

### **Shiprock Pinnacle As a State Park**

Dave Simon, director, State Parks Divisions, Energy, Minerals and Natural Resources Department, presented the results of a feasibility study undertaken in response to House Joint Memorial 11 passed in the 2008 legislative session regarding the designation of the Shiprock Pinnacle as a state park. Mr. Simon reviewed the statutory requirements and criteria for state parks, the cultural and natural resource values of the Shiprock Pinnacle, legal and management issues surrounding the designation of the Shiprock Pinnacle as a state park and the action alternatives considered in the feasibility study: no action, establish the Shiprock Pinnacle as a state park or establish the Shiprock Pinnacle as a Navajo Nation tribal park with assistance from the State Parks Division in the design, development and possibly the management of such a park. Mr. Simon outlined legislative action that might be taken in the event any of the alternatives are chosen for action. The feasibility study will remain open for public comment for 60 days. Martin Begaye with the Navajo Nation Parks and Recreation Department said the Navajo Nation requires its parks to fund themselves through revenue generated from the parks. He said that working with New Mexico state parks would help fund the project and help bring more people into the proposed park. If the Shiprock Pinnacle is only a tribal park, tourists may think that it is only for the Navajo Nation, not tourists in general.

Following questions and discussion by committee members, committee members traveled to the Shiprock Pinnacle for an on-site briefing by state and Navajo officials and local residents. Following the presentation and tour of the Shiprock Pinnacle, Senator Pinto recessed the meeting at 4:45 p.m.

### **Tuesday, September 9 — Upper Fruitland Chapter, Navajo Nation**

The fourth meeting of the Indian Affairs Committee for the 2008 interim was called back into session by Senator Pinto, co-chair, on Tuesday, September 9, 2008, at 9:32 a.m. at the chapter house of the Upper Fruitland Chapter.

#### **Upper Fruitland Chapter, Navajo Nation — Status Update**

Lorenzo Bates, delegate to the Navajo Nation Council for the Upper Fruitland Chapter, thanked the committee for its support of the construction of the new chapter house. He said the chapter raised and used \$165,000 of its own money; and although quite independent, the Upper Fruitland Chapter does still need assistance and cooperation from the State of New Mexico. The chapter would like to institute an initiative for a youth program that is separate from the Boys' and Girls' Club. According to Mr. Bates, the rodeo grounds are inactive at the moment, but the chapter would like to get the grounds started again. The senior citizens center is also a priority because it has become too small to accommodate the growing population of the chapter's seniors. There are some funds from the Navajo Nation to be used for planning for a new senior center and perhaps for demolition of the old center. Mr. Bates stated that the chapter would like to add an addition to the chapter house geared toward veterans with funds coming from the Navajo Nation. There have been some improvements on Navajo Route 36 and the chapter house parking lot was improved with leftover gravel.

Raymond Tsosie discussed the history and structure of the chapter and the way the members use its facilities and services. The chapter wants to provide services and opportunities for members of all ages. He discussed the desire to update and rejuvenate the fairgrounds. Mr. Tsosie stated that the community's need for recreation facilities was identified by the 2006 land use plan approved by the Upper Fruitland Chapter and certified by the Navajo Nation Council's Transportation and Community Development Committee. He remarked that the Upper Fruitland Fairgrounds Committee has worked with the chapter to organize a plan to develop an area for recreation by way of facilities for a fairgrounds, rodeo arena and improved multipurpose center. The facilities plan will piggy back on the larger infrastructure presently available. Mr. Tsosie told the committee the chapter has 20 acres to develop fairgrounds and recreation facilities, with a horse track already present. The committee projects the cost of a feasibility study, associated master plan and actual construction to total \$1,760,000.

Lynn M. Bitok, the supervisor for the Upper Fruitland Senior Center, discussed the chapter's senior center. She stated that, according to the 2000 census, Upper Fruitland has 600 elders. The current senior center is plagued with limited space, damage and a need for kitchen equipment. Some of the damage or areas in need of repair include sewer pipes open on the outside sidewalk, damaged ceilings in the storage room, holes in the building's siding allowing birds to enter the attic, ill-fitting windows, an unvented dryer that blows into the building and sink drainage that is not up to code. The senior center currently has 82 registered clients, but there is a continuous growth in the numbers of clients registering. Ms. Bitok told the committee a new senior center is needed.

Lenny Esson, youth program coordinator for Upper Fruitland, discussed youth programs at the chapter. He said that during the spring, an average of 10-15 students attended the after-school program. There is a summer recreation program, and last year an average of 40 students participated each day. Breakfast and lunch were provided to the participants of the program. Program activities included arts and crafts, indoor/outdoor recreation, traditional teachings and a 10-and-under basketball program. Mr. Esson provided a list of things the program would like, including: a weight room fitness center, a game room, a new gym floor and bleachers, a scoreboard, kitchen items, a heating/cooling system, computers and a trail system.

Rick Golbe, commander of the Upper Fruitland Veterans Organization, and Rachel Hatch, secretary and treasurer of the Upper Fruitland Veterans Organization, discussed the status of veterans' programs in Upper Fruitland. The organization worked on improving and redrawing the bylaws, which took three months and is still ongoing. According to Mr. Golbe and Ms. Hatch, the organization is growing and experiencing increased participation from veterans of all ages. There is interest for a veterans' memorial, but there needs to be more discussion among the veterans first. They said that funds have come in for the program and are being used for home improvements for veterans.

Elaine Benally, Upper Fruitland scholarship chair, discussed the status of college scholarships for 25 students from Upper Fruitland. The scholarships assist with tuition, books

and other costs associated with attending college. Ms. Benally stated that 23 students are undergraduates and two are graduate students (one attending New Mexico State University and the other attending the University of Arizona). The scholarship program is now looking to contribute funds for summer sessions as well as the regular academic year.

Upon motion by Representative Lundstrom, seconded by Representative Madalena, the committee voted without opposition to write a letter to the secretary of aging and long-term services to ask for the Upper Fruitland Chapter's request that funding for the senior center and services be added, even though the deadline has passed, and to obtain a list and summary of any capital outlay appropriations for seniors of the Navajo Nation.

### **Northern Navajo Veterans' Center**

Paul J. George, veterans' service officer for the Shiprock Agency of the Navajo Nation, discussed a veterans' housing project. He said the Northern Navajo Agency Department of Navajo Veterans' Affairs will be requesting \$1,045,000 in fiscal year 2009. It will make the request to the New Mexico Legislature and will aim to fund the veterans' housing project, which would include solar energy home electricity projects, upgrades and improvement of the Northern Navajo Veterans' Center and improvements of information technology systems. Raymond Jim, president of the Navajo Veterans' Organization of the Northern Navajo Agency, presented a request to the committee for assistance to amend Senate Bill 574 from the 2008 session to appropriate funds into the Native American Veterans' Income Tax Settlement Fund. Morris Johnson and Perry Benally, both Native American veterans, Expressed their concern for SB 574 and their desire to rectify the situation. Marian Johns, a member of the Shiprock Chapter Veterans' Organization, was given the floor from the audience. She said that there is a need for clarification about the status of SB 574 and asked what course of action must be taken to rectify the situation.

Upon motion by Representative Lundstrom, seconded by Senator Rodriguez, the committee voted 10 to three to write to Secretaries Homans and Garcia to clarify what methodology and processes are used for the survey, report and process for the tax reimbursement for Native American veterans as set forth in Senate Bill 574 from the 2008 legislative session.

### **Navajo Nation Gaming — Update**

Ray Etcitty, general counsel for the Navajo Nation Gaming Enterprise, presented the structure and status of the Navajo Nation Gaming Enterprise. He provided the backgrounds of the members of the board and stated that they are very well-qualified. The Navajo Nation will open a casino called the Fire Rock Casino, which will be self-funded. Currently, the casino is intended to be located outside of Gallup, but the Upper Fruitland and Hogback chapters are still under consideration for future casinos. Mr. Etcitty's organization is not governmental, but is the business arm of the Navajo Nation.

### **Diné Local Behavioral Health Collaborative #15 — Total Community Approach**

Mike Salabiye, Navajo Nation tribal planner, and Dr. Christopher Morris, Navajo Department of Behavioral Health Services, presented a status report on the Navajo Department of Behavioral Health Services and the Navajo Regional Behavioral Health Center. They stated that approximately 52,000 Navajo individuals (25 percent of the Navajo population) are affected by alcohol and substance abuse. The project has funding totaling \$15,933,410, but an additional \$1,650,000 will be requested for telecommunications, security, furnishings and equipment. Dr. Morris said that the department is working on a project utilizing a "total community approach" (TCA), focusing on youths ages 13 to 24. They chose to focus on the youth because the Navajo Nation's population distribution is disproportionately "young". There have been six prevention strategies developed for TCA. They include: information dissemination, providing education, offering alternatives, problem identification and referral, community-based process and environmental change. According to Dr. Morris, a focus of the programs will be intervention with the involvement of the Navajo Nation police, judicial branch, Office of the Prosecutor, teen court, the TCA youth treatment and care coordination team and the community. Mr. Salabiye and Dr. Morris outlined the program's requests, including: the support of community members in the Diné Underage Planning Task Force, the endorsement of the program and increased funding from \$600,000 to \$800,000.

The committee raised concerns with the renewal of the ValueOptions contract.

#### **Tribal Infrastructure Board — Status Update**

Secretary of Indian Affairs Alvin Warren provided an update and status report for the Tribal Infrastructure Board. The IAD has provided training programs in Indian country for funding for infrastructure improvements and the application process for Tribal Infrastructure Fund (TIF) grants. Secretary Warren provided a list of the tribal entities that have requested funding from the TIF.

The committee discussed several of the projects and allocations of the TIF. Upon motion by Senator Duran, seconded by Representative Pena, the committee approved without objection to write a letter to the TIF Board and Governor Richardson expressing concern about the appropriateness of the All Indian Pueblo Council receiving funds from the Tribal Infrastructure Board and requesting a list of alternative funding sources. Upon motion by Representative Lundstrom, seconded by Representative Madalena, the committee approved without objection to forward the previously mentioned letter to Mark Valenzuela at the New Mexico Finance Authority to evaluate where funding could be obtained from that source.

#### **Truancy Program — San Juan County**

Lyndy Bennett, San Juan County district attorney, presented the status of truancy protocol and commented that it is relatively effective, but can improve. He stated that there have not been arrests because there are so many effective steps that are implemented before an arrest is called for. Patsy Felter, district office manager for the eleventh judicial district attorney (division one), stated that there is a local judge in Farmington that has worked well with the schools to help make the truancy system more efficient and effective. She expressed the desire for the legislature to

pass a law that allows parents to be placed on observatory probation. John Whitehead, truant officer for Farmington Municipal Schools, spoke about issues dealing with truant students. There is a new policy that recommends not bringing truant students back to school because those students are bringing in objects (weapons, drugs, etc.) that should not be in a school. Subsequently, the identification process is very difficult; thus, reporting is not effective. Dr. Kristine M. Meurer, director of the School and Family Support Bureau of the Public Education Department, discussed truancy, remarking that truancy is usually a symptom of something larger than not liking school, such as physical abuse or substance abuse. She presented information about the truancy prevention model that utilizes a case management approach. Ron Lucero, the statewide truancy coordinator for the School and Family Support Bureau, said a truancy guide has now been made available and can be accessed on the bureau's web site. Mr. Lucero discussed the contracts the bureau has to help curtail truancy and how best to deal with Native American tribes and pueblos.

### **Raytheon Corporation — Status Update**

Robert Joe, plant manager of the Raytheon Missile Systems Navajo Agricultural Products Industry (NAPI) facility, indicated that, given the time, if the committee members wish to visit and tour the facility, they would have to go to the facility now and the presentation and questions would need to be addressed during the tour. Wava White of the Navajo Nation Division of Economic Development gave a short presentation on the history of the NAPI Industrial Park. Following the presentation regarding the expansion of the Raytheon Corporation facility and a tour of the facility, Representative Madalena recessed the meeting.

### **Wednesday, September 10 — Nageezi Chapter, Navajo Nation**

The fourth meeting of the Indian Affairs Committee for the 2008 interim was called back into session by Senator Pinto, co-chair, on Wednesday, September 10, 2008, at 9:30 a.m. at the chapter house of the Nageezi Chapter.

### **Nageezi Chapter, Navajo Nation — Status Update**

Juan E. Betoni, president of the Nageezi Chapter, welcomed the committee and introduced other presenters. Mr. Betoni told the committee that the chapter would be requesting funds for power line extensions, vehicle purchases, solar power systems for remote areas, senior center updates, chapter security updates and assisted living programs for the elderly. He thanked the committee for coming to visit the chapter. Louise Gleason, community service coordinator for the Nageezi Chapter, provided an update on the status of the chapter for the committee. She thanked the legislature for allocating funding for Nageezi and provided statistics for requested funding, along with the corresponding allocations. There is money for bathroom expansions, updates to the chapter house and power line extension. Rory A. Jaques, vice president of the Nageezi Chapter, told the committee that there are many needs for infrastructure and electricity available in the Nageezi Chapter; power lines are a major priority for the chapter. He asked the committee to propose legislation for power line extension, house wiring, a senior center and

bathroom expansions/updates. Mr. Jaques stated that there are problems with capital outlay funds, and some funds, although allocated to the chapter, have not been received.

Ervin Chavez, county commissioner of San Juan County District 2, discussed issues and concerns with appropriation of funds and conditions of roads in the chapter. He stated that three miles of road on Route 7950 have been chip sealed, but 16 miles remain. Although the government wants improved access to the Chaco Canyon National Historic Cultural Park, Mr. Chavez stated there has been opposition from the Historic Preservation Division of the Cultural Affairs Department. He requested assistance in getting road improvements. The committee asked that this topic be included on the agenda for a future meeting.

### **Navajo Tribal Utility Authority**

Philemon Allison, acting district manager of the Navajo Tribal Utility Authority (NTUA), presented a status update and report on the structure of the NTUA. The NTUA was created in 1959 by the Navajo Tribal Council to provide modern utility services to the Navajo people and is a nonprofit organization. The NTUA currently serves 38,133 electricity customers, 34,355 water customers, 13,440 wastewater customers and 7,607 natural gas customers. Mr. Allison discussed the high capital cost of utilities and provided a list of sources of funding, including: the Navajo Nation, loans from various organizations and grants from the federal Economic Development Administration and the federal Environmental Protection Agency. He also discussed future concerns of the NTUA such as inflation, the low population density, rights of way for acquisition, electric deregulation and increasing energy costs.

### **Navajo Nation Telecommunications Regulatory Commission**

Leland Leonard, of the Navajo Nation Telecommunications Regulatory Commission (NNTRC) presented an update about the NNTRC. Mr. Leonard provided a history of the Navajo Nation's telecommunications programs. He stated that 42 percent of the nation is not connected to telephone lines. He said that two companies serve the majority of the Navajo Nation with telecommunications: Frontier and Sacred Wind Communications. Mr. Leonard said that many students and children have access to internet services, but more access is needed. He discussed some positive ideas and programs that the Navajo Nation has experienced in Arizona regarding running telecommunications lines. Kee Long, program manager of the Navajo Film Office for the Office of Broadcast Services, presented on the sharing of bandwidth and broadcasting of television stations. John Badal, chief executive officer for Sacred Wind Communications, stated that the goal is to serve the underserved areas of the Navajo Nation. Mr. Badal told the committee he wants legislation to create a personal computer recycling and refurbishing center to help make personal computers accessible and available to more people in the Navajo Nation.

### **Adjournment**

There being no further business before the committee, the fourth meeting of the Indian Affairs Committee for the 2008 interim was adjourned at 1:30 p.m.